

SEALED

V.

Defendants *In Rem*.

COURT U.S. DISTRICT COURT
OF THE SOUTHERN DISTRICT OF TEXAS
FILED
MAY 25 2012
CLERK, U.S. DISTRICT COURT
By _____
Deputy

Second Amended Motion to File and Maintain Case Under Seal - Page 1

2. Since the Court sealed these proceedings, the undersigned Assistant United States Attorney has learned that the internet website used to publish civil notice of these proceedings requires that the publication be programmed into the system the day before. Publication then takes place the next day and cannot be stopped.

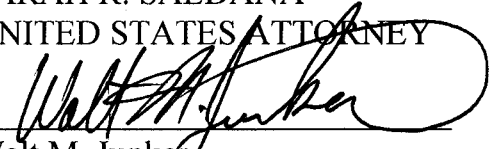
3. Presently, the Court's Order of March 27th directs that the United States must begin publishing public notice of this action on May 30, 2012. In the event that voting results in a run-off election, the United States would not be able to stop public notice of these proceedings and give the Court time to decide whether they should remain sealed until a run-off election is concluded.¹ Therefore, the United States requests that the Court issue a new order extending both the sealing and publication of these proceedings to May 31, 2012.

4. The United States further requests that this Court modify its sealing order so that the original Verification Affidavit and First Amended Verification Affidavit of FBI Special Agent Donald B. Sherman shall remain sealed until further order of this Court and that the United States be permitted to provide redacted versions of these affidavits for the United States District Clerk to use when the proceedings are unsealed. Unredacted copies of the original affidavits would still be provided directly to counsel for the potential claimants along with a copy of the Court's modified sealing order.

¹ The designated run-off date is July 31, 2012.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE AND SERVICE

Due to the nature of this motion, it was neither conferenced nor served upon counsel for the potential claimants.



Walt M. Junker
Assistant United States Attorney